

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

LAURA M. DURITY (GABN 661108)  
Special Assistant United States Attorney

150 Almaden Boulevard  
San Jose, California 95113  
Telephone: (408) 535-0931  
Facsimile: (408) 535-5066  
Email: laura.durity@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
PORFIRIO SALAS-GAYTAN,  
  
Defendant.

No. CR 09-00468 JW

STIPULATION TO CONTINUE STATUS  
CONFERENCE; [PROPOSED] ORDER

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing date in the above-captioned matter, presently scheduled on Monday, July 6, 2009 is to be continued to Monday, August 31 at 1:30 p.m. The continuance is necessary for defense counsel's preparation and for defense continuity of counsel.

The parties further agree and stipulate that time should be excluded from and including Monday, July 6, 2009 through and including Monday, August 31, 2009, to provide defense counsel reasonable time to prepare, pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly, the United States and the defendant agree that granting the requested exclusion of time will serve the interest of justice and outweigh the interest of the public and the

1 defendant in a speedy trial.

2  
3 DATED: July 1, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

4  
5 /s/  
6 LAURA M. DURITY  
Special Assistant United States Attorney

7  
8 /s/  
9 BRUCE FUNK  
Attorney for Defendant

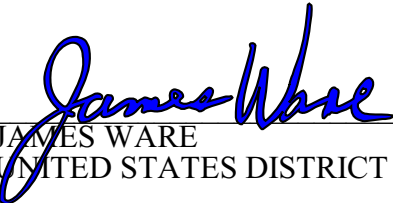
**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing date presently set for Monday, July 6, 2009 will be continued to Monday, August 31, 2009 at 9:00 a.m.

IT IS FURTHER ORDERED, that the time between July 6, 2009 through and including August 31, 2009, shall be excluded as the reasonable time necessary for effective defense preparation, pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: July 1, 2009

  
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JAMES WARE  
UNITED STATES DISTRICT JUDGE